

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JAMAR WILLIAMS,	)	8:07CV451
	)	
Plaintiff,	)	
	)	
v.	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
LYNN FERER-WHITE, et al.,	)	
	)	
Defendants.	)	

This matter is before the court on its own motion. Plaintiff filed his Complaint in this matter while he was incarcerated at the Douglas County Corrections Center (“DCCC”). (Filing No. 1.) Plaintiff also filed a Motion for Leave to Proceed In Forma Pauperis (“IFP”) while he was incarcerated. (Filing No. 2.) The DCCC informed the court that Plaintiff has been released from custody. (Filing No. 7.) Accordingly, Plaintiff’s Motion to Proceed IFP (filing no. 2) is denied.

Since Plaintiff is no longer incarcerated, he must now file a new Application for Leave to Proceed IFP if he wishes to continue pursuing this case in forma pauperis. *See, e.g., McGann v. Comm’r, Social Security Admin.*, 96 F.3d 28, 30 (2d Cir. 1996) (“A released prisoner may litigate without further payment of fees upon satisfying the poverty affidavit requirement applicable to all non-prisoners.”).<sup>1</sup> Plaintiff may, in the alternative, pay the \$350.00 filing fee. However, if Plaintiff fails to either file a new IFP application or pay the \$350.00 filing fee by April 14, 2008, this case will be subject to dismissal without further notice.

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<sup>1</sup>The Clerk of court has sent Plaintiff the Form AO 240, “Application to Proceed Without Prepayment of Fees and Affidavit” to the address provided to the court by the DCCC.

IT IS THEREFORE ORDERED that:

1. By April 14, 2008, Plaintiff shall either file a new Application to Proceed In Forma Pauperis or pay the \$350.00 filing fee. If Plaintiff fails to comply with this Memorandum and Order, this case may be subject to dismissal after April 14, 2008 without further notice.

2. Plaintiff is reminded to keep the court informed of his current address at all times while this case is pending; failure to do so could result in dismissal.

3. The Clerk of the court is directed to set a pro se case management deadline with the following text: April 14, 2008: deadline for Plaintiff to file new IFP application or pay filing fee.

March 27, 2008.

BY THE COURT:

*s/Richard G. Kopf*  
United States District Judge